

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JESSICA STEWART,

Plaintiff,

V.

NANCY A. BERRYHILL, Acting  
Commissioner of the Social Security  
Administration,

Defendant.

CASE NO. 2:16-cv-01260 JRC

ORDER ON STIPULATED  
MOTION FOR EQUAL ACCESS  
TO JUSTICE ACT FEES

This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local

Magistrate Judge Rule MJR 13 (*see also* Notice of Initial Assignment to a U.S. Magistrate Judge and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6).

This matter is before the Court on plaintiff's Stipulated Motion for Attorney Fees Pursuant to 28 U.S.C. § 2412(d) (*see* Dkt. 16).

Based on the Equal Access to Justice Act, 28 U.S.C. § 2412, (“EAJA”), the Stipulation of the parties (*see* Dkt. 16), and the relevant record, it is hereby ORDERED that EAJA attorney’s

1 fees of \$4,682.12 shall be awarded to plaintiff pursuant to the EAJA and consistent with *Astrue*  
2 *v. Ratliff*, 130 S.Ct. 2521, 2524, 2010 U.S. LEXIS 4763 at \*\*\*6-\*\*\*7 (2010).

3 The Acting Commissioner shall contact the Department of Treasury after the Order for  
4 EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is determined  
5 that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the  
6 Treasury's Offset Program, then the check for EAJA fees shall be made payable to Dellert Baird  
7 Law Offices, PLLC, based on plaintiff's assignment of these amounts to plaintiff's attorney (*see*  
8 Dkt. 16, p.1). If there is an offset, the remainder shall be made payable to plaintiff, based on the  
9 practice of the Department of the Treasury (*see, e.g.*, Case No. 2:15-cv-122, Dkt. 22, p. 4). Any  
10 check for EAJA fees shall be mailed to plaintiff's counsel, Christopher H. Dellert, Esq., at  
11 Dellert Baird Law Offices, PLLC, P.O. Box 97301, Lakewood, WA 98497.

12 Dated this 5th day of June, 2017.

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15 J. Richard Creatura  
16 United States Magistrate Judge  
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